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U. S. ARMS CONTROL AND DISARMAMENT AGENCY

March 23, 1968

STATUS REPORT
ON THE DRAFT TREATY
ON THE NON-PROLIFERATION
OF NUCLEAR WEAPONS

SUMMARY

Consideration of a draft Non-Proliferation Treaty (NPT) was completed in the Eighteen Nations Disarmament Committee (ENDC) in Geneva on March 14. It will now be considered in the United Nations General Assembly (UNGA) around April 17, along with a proposed resolution of the Security Council dealing with security assurances. It is our hope that after 3 or 4 weeks debate the GA will endorse the present text substantially as is and recommend that it be opened for prompt signature. We should be able to persuade most of the nations with little or no nuclear potential to support the NPT. However, several of the potential nuclear weapon states, such as India, Italy, Brazil, and the Federal Republic of Germany, still have reservations concerning certain aspects of the present draft, and there are still uncertainties as to how the GA debate may turn out. In view of these uncertainties, U.S. action with respect to signing the Treaty, submitting it to the Senate, and ratifying it, needs to be related to future developments which cannot be clearly predicted at this time.

Once the NPT is concluded and opened for signature there will be strong pressures applied on the nuclear powers to start making progress on nuclear disarmament measures, such as a comprehensive ban on nuclear weapon testing and a halt in the production of fissionable material for weapons purposes. The language of the NPT will also raise an expectation

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that the US and the USSR will engage in an early dialogue leading to agreement to limit the strategic arms race. Finally, a strong interest has already developed in applying arms control provisions to the ocean floor.

I. Status and Next Steps

The ENDC in Geneva completed deliberations on the text of a joint US-USSR sponsored draft NPT on March 14, 1968 (Annex A). This draft treaty along with comments and views of ENDC and other governments regarding the Treaty have been incorporated in an ENDC report to the UNGA pursuant to a request of the latter made during its 22nd session last fall. The report also has annexed to it a proposed Security Council resolution dealing with the question of providing assurances to non-nuclear weapon states which become parties to the NPT (see next section below).

The 22nd UNGA is expected to resume sometime around April 17 to 24 to consider the report of the ENDC. Our objective is to obtain wide support for the draft NPT and obtain a resolution after about 3 weeks of debate which endorses the Treaty and asks that it be opened for signature. Action on security assurances, after initial consideration along with the draft NPT in the Political Committee, could also take place in the Security Council at about the same time, perhaps on the basis of a recommendation by the General Assembly.

Ambassador Goldberg and Soviet Ambassador Malik have been in consultation with one another and with other delegations regarding the timing of the resumed session and tactics to be pursued. Thought is being given to where

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and at what level signing of the NPT might take place; the Soviets have indicated a preference for Geneva. We are also holding open the possibility for Foreign Ministers attending the concluding stages of the UN debate, if this should be deemed desirable.

Between now and the time the GA reconvenes we will work through diplomatic channels to garner maximum support for the present text. Particular attention will be given to certain nations such as India, Italy, Federal Republic of Germany, Brazil, Israel, South Africa, etc., which still express reservations about certain aspects of the present text, or have thus far been noncommittal regarding their support. (See Section III below elaborating various country attitudes.)

Some critics of the present text, who nevertheless basically favor barring the further spread of nuclear weapons, can be expected to propose amendments in order to bring about - - as they see it - - a more "equitable" balance of obligations under the Treaty as between the nuclear and non-nuclear powers. Rather than directly attacking the present draft other opponents may attempt to remand the NPT back to the ENDC for further consideration, or withhold final action until after conclusion of the Conference of the Non-Nuclear Weapon States scheduled for late August 1968. (At this Conference the non-nuclear-weapon States will harmonize their views with respect to the NPT.)

One problem will be to control the Soviet inclination to "railroad" the NPT through the GA session, which we and the UK believe would be counter-productive. While permitting the

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UN to "talk itself out" we would nevertheless like to convey the impression that the text submitted to the UNGA is the text which would be opened for signature.

If we achieve our aims in the UNGA we can proceed promptly to sign the NPT along with other willing countries. However, it may nonetheless still not prove desirable for the U.S. to deposit its instrument of ratification this summer even though Senate action may have been completed. The U.S.S.R. may not ratify until the FRG does, which in turn may only follow an agreement on safeguards between the IAEA and EURATOM. Under these circumstances we may also wish to defer completion of ratification.

If we fail in our objectives at the UNGA and the Treaty is remanded to the ENDC, or final action is postponed until after the Conference of Non-Nuclear Nations in August, it might be inadvisable to submit it to the Senate this summer, even though we still might wish to consider signature by those nations willing to proceed notwithstanding the UNGA action. In any event questions concerning the timing of U.S. signature, submission to the Senate, and ratification can only be answered in the light of GA action yet to come.

II. Security Assurances

On March 7, the United States, the Soviet Union and the UK submitted to the ENDC a draft Security Council resolution welcoming the intention of certain nuclear-weapon states to provide or support immediate assistance, in accordance with the Charter, to any non-nuclear weapon party that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used. (Annex B.)

During consideration of the resolution by the Security Council we plan to make a unilateral declaration of how we intend to act under the resolution. The Soviet Union and

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the UK will also make declarations identical in all substantive provisions. We would declare that aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear state would create a qualitatively new situation in which the nuclear states which are permanent members of the UN Security Council would have to act immediately through the Security Council to take the measures necessary to counter the aggression or to remove the threat in accordance with the UN Charter.

We would also affirm our intention, as a permanent member of the UN Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear state, party to the NPT, that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used. (See Annex C for full text of the declaration.)

Both the Security Council resolution and the US declaration are applicable only to non-nuclear countries that adhere to the NPT. They create no new obligations for the United States; any measures which might result would be strictly in accordance with existing provisions and procedures of the United Nations Charter. The assurance action contains no promise by nuclear powers not to use nuclear weapons against non-nuclear parties to the NPT, which omissions will undoubtedly cause criticism by some non-nuclear countries. The proposed assurances action is nevertheless of great political significance because it will represent concerted policy of the United States and the Soviet Union in a security field of great importance for non-nuclear countries and will thus be regarded by a great many non-nuclear countries as a promising and valuable step which will make ratification of the NPT easier for them.

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III. Views of Governments on the NPT

The only countries which appear determined not to sign the NPT are Communist China, France, Albania and Cuba. North Korea and North Vietnam probably will not sign for special political reasons. (See Annex D for detailed run-down of country attitudes).

Despite certain problems for the FRG and to a lesser extent Italy, we expect adherence by all NATO members except France. Australia, New Zealand, Japan and Nationalist China are expected to adhere. Pakistan may not adhere unless assured that India is prepared to do so.

Among the non-aligned countries, Sweden, which is a leading spokesman on disarmament affairs and a member of the ENDC, is a strong supporter of the Treaty.

The major holdout may be India, which has followed a negative and cautious policy. On balance India may decide to adhere if it considers this would serve its overall interests. But at this time it does not appear that India will be among the early signers. Even if India finally decides not to sign the Treaty, it is unlikely that this will exert a major influence on the decisions of other non-nuclear countries except Pakistan, since it is widely recognized that India has a special problem with Communist China.

All the Latin American countries except Cuba have either signed or indicated intention to sign the Treaty of Tlatelolco creating a Latin American Nuclear Free Zone. Adherence to the NPT would be a logical corollary to their

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action on the Latin American Nuclear Free Zone. We have indications that even Brazil, which has adamantly opposed the present NPT text, may be reconsidering the consequences of non-adherence.

We are confident that Nigeria and Ethiopia, which have expressed substantial support for the NPT draft in the ENDC, represent the prevailing African view. African views will be influenced by South Africa's attitude toward the Treaty, which we believe will be positive.

The UAR has indicated a strong inclination to sign if Israel does. We believe there is a good chance that Israel will adhere and that the Arab countries will follow.

Other Asian countries (not covered above) are not expected to object to the Treaty and probably would follow Japan's lead in signing promptly.

IV. After the NPT, WHAT?

In exchange for renouncing the acquisition of nuclear weapons by the non-nuclear signatories, the nuclear signatories (US, USSR, and UK) are obligated to pursue negotiations on effective measures toward nuclear disarmament. Pressure will develop for action in four principal areas:

1. Comprehensive Test Ban (CTB)

Led by Sweden, most non-nuclear nations with possible support from the Soviets will press strongly for a ban on nuclear testing in all environments. They will contend that the risks of non-detection have reached the de minimis point, and should be blanketed by an act of political faith. We will continue to maintain our position

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a complete ban is undesirable unless there is provision for proper verification of compliance, and that this can only be done through on-site inspections when suspicious seismic events occur.

2. Cut-off of Fissionable Material For Weapons Purposes

Most nations will support the U.S. in its long-standing proposal on this subject. However, since safeguards inspection would be required in the U.S.S.R., there is serious doubt whether the Soviets would agree to such a measure.

3. Strategic Arms Limitation

There will be strong pressure on the U.S. and the U.S.S.R. to halt or limit their strategic arms race in both offensive and defensive weapons. The Soviets have indicated interest in principle in talking about the problem, but have not yet agreed to a date. They have suggested that we make a concrete proposal, while complaining that Viet Nam makes talks politically difficult.

4. Arms Control on the Seabed

There has also been a strong interest developing in applying arms control provisions to the ocean floor. This was discussed in broad terms at the last General Assembly and raised again during the past week by an Ad Hoc Committee established by the Assembly to consider the future uses of the ocean floor. In this Committee the U.S.S.R. proposed "prohibiting the use of the seabeds and ocean floor for military activities beyond the boundaries of national jurisdiction. Mankind cannot permit a situation whereby nuclear weapons spread into this environment, which in the future is undoubtedly going to become one of the most important sources of well being for the people of our planet..."

We need to develop a viable, forthcoming position on these questions if we are to protect our basic security interests in the seabed and if we are to maintain the credibility of our intention to pursue practical arms control measures in

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line with the wording of the NPT. It may well be that a proposal which avoids complete demilitarization of the ocean seabed, but which would ban the deployment of weapons of mass destruction in this environment would find widespread support. It would be the topic most mutually acceptable to the U.S.S.R. and ourselves for negotiation during the next session of the ENDC.

Attachments:

- Annex A - Draft NPT of March 11, 1968
- Annex B - Draft SC Resolution on Security Assurances
- Annex C - Proposed US Statement on SC Resolution
- Annex D - Views of Governments on the NPT

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